

**AN ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA
AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-7
GENERAL PENALTY; CONTINUING VIOLATIONS.**

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, Chapter 1-7 of the Code of Ordinances, of the City of Woodstock, Georgia governs our Code of Ordinances; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Woodstock, Georgia and by the lawful authority vested in them, that Chapter 1-7 of the Woodstock Code of Ordinances is hereby amended to read as follows:

Sec. 1-7. - General penalty; continuing violations.

(A) In this section, the term "violation of this Code" means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(B) In this section, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context that it is the intent to impose the penalty provided for in this section upon the officer or employee.

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly “

²O C G A. § 36-35-3 (a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

(C) Except as otherwise provided:

(1) A person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00 **(excluding surcharges)** or imprisonment for a term not exceeding 60 days, and as an alternative to fine or imprisonment, to sentence any offender upon the conviction to labor in a city work gang or on the streets, sidewalks, squares or other public works for a period not exceeding 30 days.

(2) In those cases where the municipal court has jurisdiction to try cases involving the violation of state law, the court will impose those penalties as provided by state law.

(3) With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

(4) With respect to violations of this Code that are not continuous with respect to time, each day the violation continues is a separate offense.

(5) Code enforcement violation fines. All code enforcement violations as in this Code or the adopted City of Woodstock Property Maintenance Code shall be deemed as a misdemeanor and shall carry a minimum fine of \$100.00 per violation **(excluding surcharges)**. Each day that the violation continues after a citation has been issued, shall be deemed to be a separate offense and will constitute a fine of \$100.00 a day **(excluding surcharges)** until the violation has been remedied. The code official at his discretion may allow for additional time to remedy the violation prior to the citation being issued. All fees for activities and services performed shall be determined by the judge of the municipal court following a citation.

(D) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise or other administrative sanctions.

(E) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law. The imposition of a penalty does not prevent equitable relief.

Section 2.

The City Clerk is hereby authorized and directed to cause this ordinance to be incorporated into the Code of Ordinances.

Section 3. Repealer, Severability, and Effective Date

Repeal of Conflicting Ordinances. Any and all ordinances, resolutions, or regulations, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Severability. If any sentence, clause, part, paragraph, section, or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole or any other part hereof shall not be affected.

Effective Date. This Ordinance shall take effect **November 29, 2016**

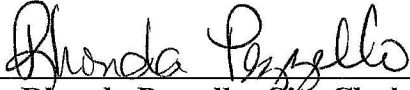
Approved and adopted by the Mayor and Council of the City of Woodstock, Georgia on this 28th day of November, 2016.

1st Reading: November 14, 2016

2nd Reading: November 28, 2016



Donnie Henriques, Mayor



ATTEST: Rhonda Pezzello, City Clerk